



# Public Notice

U.S. Army Corps  
of Engineers  
Pittsburgh District

In Reply Refer to  
Notice No. below

US Army Corps of Engineers, Pittsburgh District  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

Application No. 200400414

Date: December 16, 2005

Notice No. 05-73

Closing Date: January 2, 2006

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. APPLICANT: Chestnut Ridge Trout Unlimited  
709 Center Avenue  
Charleroi, PA 15022  
  
Attn: Tom Shetterly
3. LOCATION: in wetlands adjacent to Morgan Run, in Dunbar Township, Fayette County, Pennsylvania.
4. PURPOSE AND DESCRIPTION OF WORK: The project proposes to construct a passive treatment system to collect and treat the degraded mine water discharging from six mine seeps on the Hughes property adjacent to Morgan Run. The discharges are characterized by low pH and high acidity and mineral levels. The project will impact 0.847 acres of degraded emergent wetlands and 0.241 acres of open water ponds. The project consists of two components: one treatment system will be constructed at the upstream portion of the 16.6 acre project site to collect and treat the water discharging from seeps 1, 2, 3, and 3a; and a second system will be constructed to collect and treat the water discharging from seeps 4, 5, and 6. Each treatment system contains vertical flow ponds, settling basins, and polishing wetlands. Drawings of the proposed project are attached to this notice. The improvements to the water quality of Morgan Run is the proposed compensatory mitigation.
5. ENCROACHMENT PERMIT: The applicant is required to obtain an encroachment permit which includes State 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection  
Southwest Regional Office  
Soils and Waterways Section  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
Telephone: 412-442-4000  
State Permit No. EA22007

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

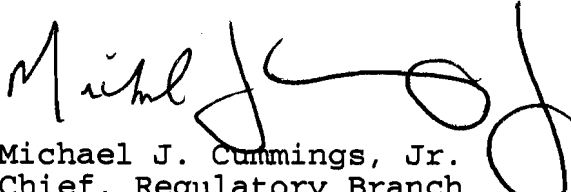
8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to

determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Marcia H. Haberman, at the above address, by telephoning (412) 395-7361, or by e-mail at Marcia.H.Haberman@usace.army.mil. Please refer to CELRP-OP-F 200400414 in all responses.

FOR THE DISTRICT ENGINEER:

  
Michael J. Cummings, Jr.  
Chief, Regulatory Branch

TM 9-42-27  
2 OF 2

## PHASE II

### LEGEND

18.8 AC. PROJECT AREA  
1.6 AC. PHASE I  
7.9 AC. PHASE II  
7.1 AC. PHASE III

CONSTRUCTION PHASE BOUNDARY

FLOW DIRECTION



PROPOSED WETLANDS

VFP

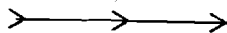
VERTICAL FLOW POND



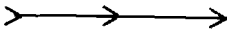
EXISTING WETLAND AREAS



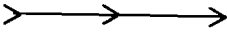
EXISTING POND



RIP RAP CONVEYANCE DITCH/SPILLWAY



PROPOSED DIVERSION DITCH  
(SEE E & S CONTROL PLAN FOR DETAILS)



EXISTING DITCH



DEWATERING PIPE



FLUSH PIPES



LEVEL SPREADER (SEE E & S CONTROL PLAN FOR DETAILS)



PROPOSED 10' CONTOUR



PROPOSED CONTOUR



PROPOSED FILTER FENCE

NOTE:  
PROPERTY INFORMATION TAKEN FROM DEEDS AND IS NOT FIELD VERIFIED.

- NOTES: 1) PHASE I CONSISTS OF UPGRADING OF ACCESS ROAD ONLY.  
2) PHASE II CONSISTS OF THE INSTALLATION OF THE TREATMENT SYSTEM FOR SEEPS 4,5 AND 6A.  
3) PHASE III CONSISTS OF THE INSTALLATION OF THE TREATMENT SYSTEM FOR SEEPS 1, 2 AND 3.

1"=100'

PHASE I

LOCATION OF EXISTING ACCESS

APPROX. 2700' TO SR 1055

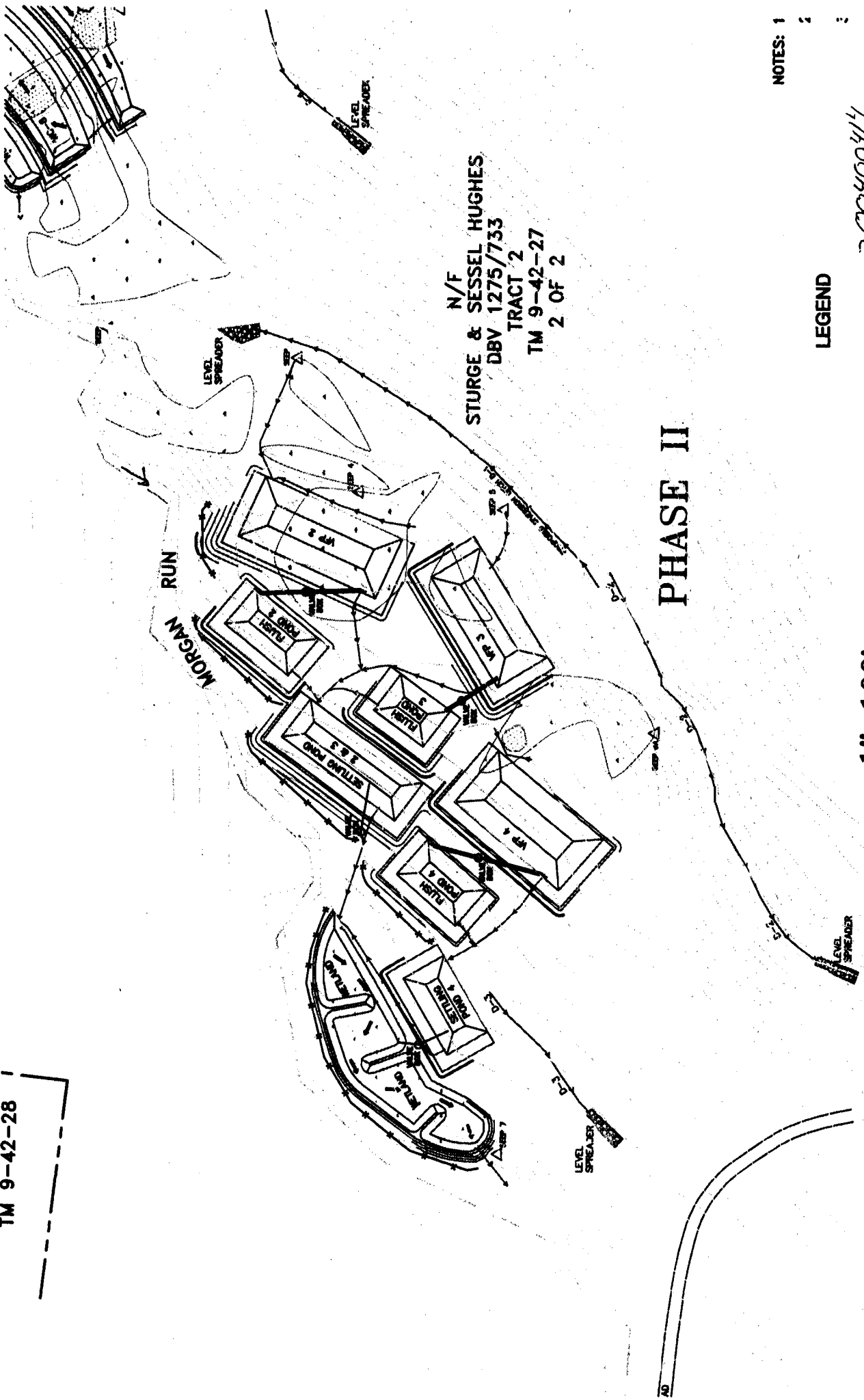
		200400414	
		P.N. 05-73	
		5/10	

EXHIBIT V - E &

FAYETTE COUNTY CO  
MORGAN  
DUNBAR  
FAYETTE COUNT



TM 9-42-28



N/F  
STURGE & Sessel Hughes  
DBV 1275/733  
TRACT 2  
TM 9-42-27  
2 OF 2

# PHASE II

1"=100'

## LEGEND

18.6 AC.	PROJECT AREA
1.6 AC.	PHASE I
7.9 AC.	PHASE II
7.1 AC.	PHASE III

NOTES: 1  
2  
3

2004004/1  
P.D. 05-73  
6/10

16.6 AC. PROJECT AREA  
 1.6 AC. PHASE I  
 7.9 AC. PHASE II

LEGEND

NOTES: 1) PHASE I CONSISTS OF UPGRADING OF ACCESS ROAD ONLY.  
 2) PHASE II CONSISTS OF THE INSTALLATION OF THE TREATMENT SYSTEM FOR SEEPS 4.5 AND 6A.  
 3) PHASE III CONSISTS OF THE INSTALLATION OF THE TREATMENT SYSTEM FOR SEEPS 1, 2 AND 3.

200400414  
 P.U.05-73  
 7/10

1"=100'

HASE II

N/F  
 STURGE & Sessel Hughes  
 DBV 1275/733  
 TRACT 2  
 TM 9-42-27  
 2 OF 2

PHASE III

